

Remarks

The Examiner has rejected claims 1-3 and 7 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,070,102 to MacDonald ("MacDonald"). The Examiner also rejected claims 4-6 and 8-12 under 35 U.S.C. §103(a) as being unpatentable over Macdonald in view of U.S. Patent No. 5,678,273 to Porcelli ("Porcelli"). Based on the foregoing Amendments and following Remarks, Applicant's invention is patentable over the cited art.

Claims 1, 8, and 12, all of the independent claims, relate to a tongue device adapted to be pressed against a top surface of a user's mouth and require the following elements: an elongated member having a handle portion and a head portion, the head portion being in contact with the top surface of the user's mouth, wherein the head portion is pressed against the top surface with the tongue to conform the head portion to the shape of it, and wherein the handle portion is of a deformable material for deforming around a user's teeth.

Neither MacDonald nor Porcelli discloses, teaches, or suggests a head portion in contact with the top surface of a user's mouth to conform the head portion to the shape of it.

Both MacDonald and Porcelli relate to a toothbrush that adheres to a user's finger and both inventions intend the user's finger to maneuver the toothbrush about the mouth. The top surface of the mouth plays no role in MacDonald or Porcelli because the finger is what maneuvers the toothbrush and is to which the toothbrush conforms.

Hence, the top surface of the mouth would not provide any beneficial advantage to either MacDonald or Porcelli since the toothbrush does not need the top surface for any function.

Additionally, a combination of both MacDonald and Porcelli would not arrive at Applicant's invention. Instead, one would have a toothbrush adhered to the finger having a cleaning portion of multistrand filamentary loops. The combination would not provide a head portion in contact with the top surface of the user's mouth to conform the head portion to the shape of it absent some modification to the references to include such a limitation.

In order for a modification to be properly made in a rejection under 35 U.S.C. §103(a), there must be some teaching or suggestion in either reference to provide a head portion in contact with the top surface of a user's mouth to conform the head portion to the shape of it. Because both MacDonald and Porcelli do not mention the top surface of the mouth, nevermind the head portion of the cleaning device being in contact with the top surface, the references do not have the requisite teaching or suggestion to be modified in a way to arrive at Applicant's claimed invention. The modification is even more unlikely given the fact that MacDonald and Porcelli both require the toothbrush be adhered to and conform to the finger, thereby preventing the toothbrush to conform to the top surface of the mouth.

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Therefore, Applicant's invention is not obvious in view of the references and, by the foregoing Remarks and Amendments, Applicant respectfully submits that all pending claims are in order for allowance.

Respectfully submitted,



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Version of Amended Claims Showing Changes Made:

1. (Twice Amended) A tongue cleaning device adapted to be pressed against a top surface of a user's mouth, comprising:

an elongated member integrally formed of a flexible material, said elongated member having a handle portion and a head portion;

[said handle portion being of a deformable material for deforming around a user's teeth, thereby permitting] said head portion [to be pressed] in contact with the top surface [the user's tongue against the user's roof the the mouth]; and

a cleaning portion attached to the head portion of said elongated member, said cleaning portion comprising a plurality of cleaning projections protruding outwardly from the head portion of said elongated member;

[whereby the] wherein said head portion of said elongated member [can be] is pressed with the tongue against [the roof of the mouth] the top surface to conform the head portion to the shape thereof[.]; and

wherein said handle portion is of a deformable material for deforming around a user's teeth.

8. (Twice Amended) A tongue cleaning device adapted to be pressed against a top surface of a user's mouth, comprising:

an elongated member integrally formed of a thin, flexible plastic material, said elongated member having a handle portion and a head portion;

[said handle portion being of a deformable material for deforming around a user's teeth, thereby permitting] said head portion [to be pressed] in contact with the top surface [the user's tongue against the user's roof the the mouth]; and

a cleaning portion comprising a backing material having an adhesive on a first surface thereof adhered to the head portion of said elongated member, and having a plurality of fiber loops protruding from a second surface thereof;

[whereby the] wherein said head portion of said elongated member [can be] is pressed with the tongue against [the roof of the mouth] the top surface to conform the head portion to the shape thereof[.]; and

wherein said handle portion is of a deformable material for deforming around a user's teeth.

12. (Twice Amended) A tongue cleaning device adapted to be pressed against a top surface of a user's mouth, comprising:

an elongated member integrally formed of a thin, flexible plastic material, said elongated member having a handle portion and a head portion, the head portion having a width greater than a width of the handle portion;

[said handle portion being of a deformable material for deforming around a user's teeth, thereby permitting] said head portion [to be pressed] in contact with the top surface [the user's tongue against the user's roof the the mouth]; and

a cleaning portion attached to the head portion of said elongated member, said cleaning portion comprising a loop portion of a hook-and-loop fastening system; and

an antiseptic or antimicrobial compound carried in said cleaning portion;

[whereby the] wherein said head portion of said elongated member [can be] is
pressed with the tongue against [the roof of the mouth] the top surface to conform the
head portion to the shape thereof[.]; and

wherein said handle portion is of a deformable material for deforming around a
user's teeth.